CVILLE PLANS TOGETHER

Zoning Ordinance Update

Responses to Frequently Asked Questions

Summer 2022

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1 WHAT IS ZONING AND WHY IS IT BEING UPDATED?

1.1 What is zoning?

- "Zoning" refers to the regulations that govern the built form and use of private land. These regulations have two components: zoning districts and a zoning map.
- *Zoning districts* organize the city into different classifications, each with their own allowed urban form and land uses.
- The *zoning map* tells users which districts apply to each property.
- Zoning authority is granted to the City by the Commonwealth of Virginia in order to protect the health, safety, and welfare of the community.
- Our current zoning is located in Chapter 34 of the Charlottesville code.
- You can find out more about zoning on the Cville Plans Together website, cvilleplanstogether.com/zoning-plan/.

1.2 Why update the Zoning Ordinance?

- The Zoning Ordinance is a key tool for implementing the recently-adopted Comprehensive Plan and Affordable Housing Plan. Changes are needed to align the City's zoning regulations with the new plans.
- Today's zoning also has a number of flaws and barriers to development previously identified by City planning staff, elected and appointed officials, community members, and others. This process is an opportunity to address and remove these flaws and barriers.
- Finally, the new zoning will be easier for everyone to read, understand, and apply, due to its plain-language drafting style and rich graphic content.
- You can read more about the reasons we are updating the zoning ordinance, and the proposed approach to the update, here: cvilleplanstogether.com/zoning-plan/draft-approach/.

1.3 How are the Future Land Use Map and the Affordable Housing Plan related to zoning?

- The Future Land Use Map (FLUM) is a part of the Land Use, Urban Form, and Historic and Cultural Preservation Chapter of the 2021 Comprehensive Plan update.
- The FLUM incorporates land use recommendations from the Affordable Housing Plan, including increased intensity of allowed residential development throughout the city, particularly in neighborhoods that have historically been inaccessible to residents at all levels of income (due to housing cost, exclusionary zoning provisions, etc.).
- The FLUM and zoning by themselves are not enough to support affordability. The Comprehensive Plan and the Affordable Housing Plan contain additional strategies that can help to ensure enhanced housing affordability and protections for displacement.
- The FLUM is not zoning. It is a guide to determine which zoning district should be applied to each property. It can be (and generally is) used when evaluating development proposals, particularly when a rezoning is being sought. The land use categories that are shown on the FLUM may allow several different types and levels of zoning districts.

2 IMPLEMENTATION AND OUTCOMES

2.1 Will there still be Special Use Permits (SUPs) with the updated zoning map and ordinance?

- The Land Use, Urban Form, and Historic & Cultural Preservation Chapter in the Comprehensive Plan identifies changes that should be explored in the zoning rewrite to increase the production of housing, at a variety of scales. One of these potential changes is incorporating transition zones and restructuring restrictions on height, density, setbacks, and parking in the Zoning Ordinance to ensure that multifamily and mixed-use developments are

feasible by-right, without a special use permit.
- Special use permits tend to be costly and inefficient (leading to added costs that are passed along to renters/buyers), and they also don't tend to yield results that are predictable in terms of urban form or in terms of affordability. One goal of this new zoning code is to make outcomes more predictable by updating the zoning code to incorporate improved standards.
- Special use permits will likely not disappear completely, but one major priority of this effort is to modify the Zoning Ordinance so that it allows most development of housing by-right, without a special use permit.

2.2 *Will the change in zoning affect property taxes?*

- Assessed value is based on real estate market values and is set by the appraiser based on comparable sales in the area. Until properties start to sell for more money, property taxes do not typically increase in one area any more than another.
- Once sales start peaking at higher rates in an area in the city, the appraiser may increase the value of other existing homes in that area, even if they have not been sold recently.
- What a property owner pays in taxes is based not just on the assessed value but also on the tax rate, which is set by the City Council as part of their annual budget process.

2.3 *How will the new zoning code impact historic areas?*

- City-designated historic areas will continue to receive the same level of review by the Board of Architectural Review (BAR) that they receive today. Properties in these areas will also have the opportunity to provide additional units, either in the main building or in areas deemed appropriate for new construction.

2.4 *How can the zoning changes support the climate action plan and the City's climate goals?*

- The City is currently developing a Climate Action Plan that, among several factors, is considering how land use can support the City's climate goals.
- Transportation represents about 30% of Charlottesville's greenhouse gas emissions. As of 2018, more than 20,000 people commuted into the city for work. While these trips would not cease completely with additional housing in the city, one way the City's land use planning (including zoning) can support a reduction in emissions is by updating policies to support the opportunity for more people to live in the city, if they wish to do so.

2.5 *My property has a restrictive covenant, dictating what I can or cannot build on my property. If this does not align with future zoning on my property, what does that mean as far as what I can do on my property?*

- It is important to note that the proposed introduction of additional development options in residential areas that are currently comprised of mostly single-family homes does not require development of additional residential units on lots. The intention of the new zoning districts is to allow additional development options for property owners.
- In June 2021, the City Attorney provided a Memorandum with guidance on this topic to Council and the Planning Commission. You can read it here.

3 TRANSPORTATION AND INFRASTRUCTURE

3.1 *If we are reducing the amount of required on-site parking, where will people park, especially in areas with narrow streets?*

- The Future Land Use Map and other Comprehensive Plan goals and strategies support a more walkable, bikeable Charlottesville, with improved transit systems. However, we recognize that many residents may still need or prefer to use vehicles.
- It is important to note that even if there are no minimum parking *requirements*, that does not mean that a developer or property owner will not incorporate parking on a site. This simply provides the flexibility for the property owner or developer to determine the amount of parking needed based on market demand and other factors.
- If the Zoning Ordinance does not include required parking minimums, the City will need to consider parking management strategies for areas where there is high parking demand, just as it does today in places like downtown and neighborhoods adjacent to the University.

3.2 *How will infrastructure needs be addressed to adjust for increases in intensity of uses?*

- As it does today, infrastructure will respond to anticipated growth trends. Planning for transportation, utilities, stormwater, and other infrastructure occurs on a regular basis, both regionally and locally. The Comprehensive Plan includes measures for considering the ongoing

implementation of the Future Land Use Map and other Plan strategies in those ongoing infrastructure planning efforts.

- Zoning by itself does not change the rate of growth, though the proposed zoning has the potential to redirect some of the region's growth to areas where we have existing infrastructure, thereby reducing the amount of new infrastructure that may need to be built on the periphery of our region. Over time, as this change occurs, the existing infrastructure planning processes will ensure the City and region are meeting the needs of our residents.

4 FORM AND DESIGN

4.1 Will lot size determine how many residential units can be built?

- Lot size will not be a factor in General Residential areas identified on the Future Land Use Map. Lot size may be a factor in how many units can be built in other areas designated for residential purposes.
- The Zoning Ordinance will define details about minimum lot sizes needed for subdivision purposes, how property subdivision will be administered, and other similar procedural questions.
- While lot size will not determine how many units are allowed to be built per the zoning district, it could limit how many units are physically possible to be built. Particularly on smaller sites, environmental issues such as steep slopes or trees could make it challenging or impossible to build the maximum number of allowed units.

4.2 Will developers be allowed to combine 2 or 3 lots to create large buildings in neighborhoods?

- No. We plan to propose requirements that will restrict buildings to sizes similar to existing houses. Each lot would have to abide by the building width restrictions.

4.3 Why is it necessary to have areas of "medium intensity" housing (up to 12 units) rather than just allowing "general residential" housing (up to 3-4 units) throughout the city?

- Our approach to Medium Intensity areas focused largely on areas near community amenities (including parks and schools) and along major corridors and neighborhood-scale connecting corridors. Our goal was to provide housing options throughout the city and that means not only providing options to live in duplexes or triplexes but having the opportunity for people to develop what the "medium intensity" options throughout the city. Supporting a range of housing options in all neighborhoods will foster a diverse community, support people with a range of income levels, and will make it easier to "age in place" by having different types of housing available.

4.4 How do tradeoffs work in terms of both optional and required elements of a site design? How can we make adjustments to allow for more housing but still protect trees, mitigate stormwater, etc.?

- Additional flexibility may be needed in the City's approach to regulating stormwater and tree protection, if the City wants to achieve a significant amount of new affordable housing, but "flexibility" does not mean that stormwater will not be managed and trees will not be protected.
- There are existing environmental protections that will remain or will be enhanced. For example, the City currently has a Critical Slopes Ordinance that limits and regulates development on steep slopes. Critical slopes will continue to be regulated by the City. There are also zoning requirements related to tree canopy, and the zoning rewrite is looking for opportunities to add further protection for Charlottesville's tree canopy.

5 AFFORDABILITY

5.1 What is "affordable" housing?

- Housing is generally considered affordable if a household can obtain that housing for 30% or less of their income. Because incomes vary, there is no one definition of affordable housing that applies to everyone.
- For some levels of affordability, such as for those earning 30% AMI (Area Median Income) or below, significant subsidy may be needed to produce homes. At other levels of affordability, land use policies (including zoning) or other strategies may make a more substantial impact, but additional subsidy can further support the creation of units.
- The City is committed to addressing housing needs at all levels, with a priority on those who need it the most.

5.2 Can the City give land away to facilitate affordable housing?

- While there are 798 acres of city-owned properties in the city, very little of that that is

buildable. Most of that land is used for schools, parks, and other similar facilities. Many of these properties contain development constraints such as buried utility lines close to the surface.

5.3 How can the zoning ordinance improve affordability and protect against displacement of lower income homeowners and renters?

- The Future Land Use Map and zoning changes are only two pieces of the plan to achieve a more affordable Charlottesville. The Affordable Housing Plan lays out several different strategies, which have been incorporated into the Comprehensive Plan. As described on page 54 of the Affordable Housing Plan, with $10M in average annual spending over ten years, it is anticipated that the city could grow its existing stock of subsidized homes by nearly 70 percent, preserve nearly 40 percent of existing subsidized housing at risk of becoming unaffordable or obsolete, and provide direct assistance annually to up to 2,000 households facing housing instability. But all of these strategies will require more housing to be developed.
- Allowing for multiple sizes and types of housing within all neighborhoods will make it more likely that more diverse unit types that are more affordable at a market-rate level may be developed. However, modifying zoning to allow the opportunity to build additional units is not a full response to the affordability needs of Charlottesville, particularly for deeply affordable units.
- Increasing the development allowable by right makes land more attractive to investors, which can cause displacement pressures. One thing to note is that even though we are looking at the potential for increasing the allowable residential development level throughout the city, the zoning rewrite will tailor regulatory provisions to individual areas.
- For example, the Future Land Use Map in the Comprehensive Plan includes a Sensitive Community Areas layer that outlines areas with populations that may be sensitive to development and displacement pressures. In these areas, additional affordability requirements, incentives, and other tools are proposed to support goals of increasing affordability without displacement. The Sensitive Community Areas may be refined throughout the zoning process, as noted in the Comprehensive Plan.
- The City is also studying the use of an Inclusionary Zoning policy. As of mid-2020, Charlottesville is allowed to adopt an affordable dwelling unit ordinance. This allows the City to use inclusionary zoning or other mechanisms that support the provision of below-market rate homes in new construction. To find out more, please view the draft Inclusionary Zoning report posted at https://cvilleplanstogether.com/zoning-plan/draft-approach/.